

The Honorable Ronald B. Leighton

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PRESIDIO GROUP, LLC, a Washington limited liability company; et. al.,

NO. 08-05298-RBL

v. Plaintiffs,

**STIPULATION AND ORDER OF
DISMISSAL OF CLAIMS AGAINST
DEFENDANT MARK SCHALLER**

GMAC MORTGAGE, LLC, a Pennsylvania limited liability company; et. al.,

Defendants.

This matter having come before the court on the stipulation of the parties for the entry of an order dismissing all of plaintiffs' claims and all defendants' cross-claims that have been asserted or could be asserted against defendant Mark Schaller in this action; the court having considered the execution of this agreed order by the parties, it is hereby

ORDERED, ADJUDGED AND DECREED as follows:

1. All of plaintiffs' claims and all defendants cross-claims that have been asserted or could be asserted against defendant Mark Schaller in this action, are hereby dismissed without prejudice and without any award of attorney's fees or costs to any party;

2. In the event that plaintiffs determine, after further discovery, that there exist facts which support a claim by plaintiffs against defendant Mark Schaller, plaintiffs may apply

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1 to this court for an order adding Mark Schaller as an additional defendant in this case,
2 provided that such request is made by plaintiffs to the court not less than ninety (90) days
3 prior to the date upon which the court requires that all discovery be completed in this matter,
4 and that upon addition of Mark Schaller as a defendant, plaintiff shall supply to Schaller all
5 discovery provided to all other parties in the litigation;

6 3. Schaller, who has stipulated to the entry of this order, will make himself
7 available for a deposition by any party in the case without personal service of process on two
8 (2) weeks' notice to his counsel, David S. Kerruish, at a time and in a location determined by
the parties consistent with the FRCP.

4. Within thirty (30) days of the date of this order, Schaller shall supply to the
5 parties copies of documents within his possession and control related to the claims of
6 plaintiffs in this action, without the need for submission of any discovery requests, subject to
7 attorney-client privilege and work product objections consistent with the FRCP which may be
8 raised by Schaller when the documents are supplied.

14 5. In the event that any claim of plaintiffs or cross claim of defendants against
15 GMAC Mortgage, LLC, ("GMACM") is dismissed with prejudice, such dismissal shall, without
16 further application to the court by GMACM or Schaller, change the dismissal of Schaller
17 contained in this order to a dismissal with prejudice in regard to the same claim.

18 Dated this 22nd day of September, 2008.

Ronald B. Lightner

RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE

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1 Stipulated to, approved for entry, notice of presentation waived:

2 DAVID S. KERRUISH, P.S.

3 By /s/ David S. Kerruish

4 David S. Kerruish, WSBA No. 11090
Attorney for Defendant Mark Schaller

5 LAW OFFICES OF DEAN BROWNING WEBB

7 By /s/ Dean Browning Webb

8 Dean Browning Webb, WSBA No. 10735
Attorney for Plaintiffs

9 BISHOP, WHITE & MARSHALL, P.S.

10 By /s/ Erin M. Stines for

11 Ann T. Marshall, WSBA No. 23533
Attorneys for Defendant GMAC Mortgage

13 By /s/ Erin M. Stines

14 Erin M. Stines, WSBA No.
Attorneys for Defendant GMAC Mortgage

15 FORSBERG & UMLAUF, P.S.

16 By /s/ John F. Jenkel

17 John Forsythe Jenkel, WSBA No. 16085
Patrick G. Middleton, WSBA No. 12113
Attorneys for F. James Mayhew

19 RANDALL L. STEWART

20 By /s/ Randall L. Stewart

21 Randall L. Stewart, WSBA No. 4620
Attorneys for Richard and Claire Cano

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23 STIPULATION AND ORDER OF DISMISSAL
24 OF CLAIMS AGAINST DEFENDANT MARK
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